

COMPENSATION

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is here, and the same is true of the one in Russia, and perhaps Germany also.

"There has been a greater industrial growth in Germany since the insurance law went into effect than ever before. That law is in reality an employer's compensation one. In the United States most of the acts are new, comparatively, but the movement in its favor is so strong that the statement of Dr. L. M. Rubinow, chief statistician of the Ocean Accident and Guarantee company is in point. He said, the theoretical age of such an act has passed, and that it is now an established and fixed certainty."

Experience Favorable.
Dr. Clark has scores of statements taken from letters written by concerns which have been operating under the law in different states, and these all speak favorably for the act, and particularly state that the speed in reaching a settlement under the new system is well worth praise.

Dr. Clark first began his study of labor ten years ago when he was sent as commissioner to study conditions in New Zealand, Australia and other countries for the federal bureau of labor. He has also made a close study of the territory labor conditions at different times, and in the years he has been here, he states, a steady improvement has been made in labor conditions, and he believes this alone should be a sufficient incentive to actuate the passage of the bill.

Helping school officers in the hygienic features of their school-building problems is one of the occasional services performed by the United States bureau of education. Dr. F. B. Dresslar, chief of the division of school hygiene, with headquarters at Nashville, Tenn., has recently given assistance in preparing plans for school or college buildings in different sections of the country. Among these was a model consolidated school house to be erected on the grounds of the National Conservation Exposition at Knoxville, and a proposed new building at Tuscaloosa, Ala., making use of open-air rooms.

"The school authorities will lose a splendid opportunity if they continue to confine themselves to a bookish program and fail to take a position of leadership in the great social movement now going on throughout the country," declares J. D. Eggleston, chief rural school specialist of the United States bureau of education.

Land Commissioner J. D. Tucker will accompany the legislators on their trip to Hilo. He plans to take them over the lands which, it is believed, are about to be released for residence tracts from the lease of the Waiakoa Mill Company.

A most demonstrative welcome was tendered "Citizen" Taft on his arrival at Augusta, Ga., where he will spend several weeks.

HYPNOTISM CASE

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Attorney Bittling stated after court adjourned, that the plea of hypnotism should not have been admitted and in allowing the jury to seriously consider it, as a defense, the court had blundered and unduly prejudiced the case of the government; that, in his belief, the hypnotism defense had had great weight with the jury and that the verdict was utterly absurd.

Bittling issued the following signed statement to present his stand in the case:

"Personally I have no feeling upon this matter; professionally, however, I think the verdict was absurd. It was a compromise verdict forced upon the majority of the jury, as I am informed, by two immature youths, and it was founded upon a defense not recognized by law in any of the United States."

Bittling also pointed out that now that the verdict of the jury was in, the attorney for the once defendant was taking occasion to scoff at the defense of hypnotism as originally introduced and to apologize for it, whereas, in his charge before the jury and throughout the trial the defendant's attorney laid the greatest stress upon that plea.

Judge Clemons, in an interview following the sentencing of Jou, declared that the defense of hypnotism was not brought out in the testimony but was adduced by the lawyer for the defense and in this way brought into the argument. He said that it might have been proper to have demanded expert testimony upon this feature of the case, but that he admitted the plea and stated that "the view of the court in such matters is that the defendant have the advantage of every defense possible under evidence and that the question of whether or not a hypnotic defense is possible is a matter to be decided by the jury; a defense may be weak, it may be flimsy, it may not be made out, but as far as there is the slightest scintilla of evidence it must go to the jury and be considered for what it is."

Judge Clemons Explains.
In his statement before the court, before passing judgment, Judge Clemons stated that, in justice to the jury and to the court, he wished to correct the misunderstanding resulting from some reports that the jury had so considered the plea of hypnotism as to let the defendant off with a minimum sentence. He declared that, while the jury may have considered the argument of hypnotic influence, still as they returned a verdict of manslaughter we must in favor of the jurors infer that in the final opinion they did not consider any such defense. Judge Clemons explained that, under the hypnotism plea, the defendant was either guilty of murder or not guilty; if he were guilty the verdict would have called for either death or life imprisonment; if he were not guilty, he would have been subject to no penalty whatever under the law. But whereas the jury found the defendant guilty of voluntary man-

slaughter they must have decided that he committed the deed after a sudden quarrel or in the heat of passion.

Explaining his own position in not overruling the evidence of hypnotism as introduced at the trial, Judge Clemons said before the court that the facts as stated in last night's paper regarding the two California cases were not conclusive. The last of the California cases, Calif. 117, he declared was not conclusive in its statement that hypnotism is not recognized as a plea under the law because the concurring opinion of three jurors was to the effect that, "what is said in the opinion now offered on the subject in this case (which was clearly inadmissible) and not as covering the whole subject. It will not be necessary to determine whether or not testimony tending to show that a defendant committed the act charged while in a hypnotic condition is admissible until a case involving that precise question shall be presented."

In the case quoted, Judge Clemons explained, the court objected to the testimony of a professional hypnotist who proposed to testify that the defendant had denied his guilt while in a hypnotic trance.

Quotes From Decision.
The judge further upheld his position in admitting the hypnotism testimony in the Lee Hin Jou case by quoting from Federal 135, a case appealed and decided in the circuit court. He quoted as follows from the opinion of the judges: "Science has not yet drawn and probably never will draw a continuous and permanent line between the possible and the impossible, the knowable and the unknowable. Advance in the use of electricity and experiments in telepathy, hypnotism and clairvoyance warn us against dogmatism. Then and now questions of fact were better tried by the jury."

SENATE

Twenty-first Day

Passed Third Reading

S. B. 65, an act regulating sale of

S. B. 61, an act relating to trials

by jury.—9-0.

H. B. 77, an act relating to assault

and battery.—9-0.

H. B. 73, an act relating to a court

of land registration.—9-0.

H. B. 116, an act prohibiting to carry

certain weapons; amended.

Passed Second Reading

H. B. 89, an act relating to employ-

ment of prisoners.

S. B. 78, an act to create a commis-

sion for investigation of county of

Hawaii.

Second Reading

S. B. 72, assigned ways and means.

S. B. 76, assigned judiciary.

S. B. 78, assigned committee of the

whole.

S. B. 74, assigned judiciary.

S. B. 77, assigned judiciary.

H. B. 80, assigned.

H. B. 129, assigned ways and

means.

H. B. 123, assigned select commit-

tee Maui.

H. B. 144, assigned judiciary.

H. B. 120, assigned promotion.

H. B. 118, assigned promotion.

H. B. 96, assigned judiciary.

Committee Reports.

From judiciary committee reports

on H. B. 80 with slight amendment

with favorable recommendations.

Adopted.

From judiciary committee, reporting

on H. B. 119, recommending that it be

tabled. Adopted.

From judiciary committee, reporting

on H. B. 108, recommending its tab-

ling. Adopted.

From printing committee, reporting

S. B.'s Nos. 72, 76, 75, 78, 74 and 77 as

printed.

From committee of whole on S. B.

78. Adopted.

Communications.

From house reporting that H. B.'s

Nos. 105, 136, 58, and S. B. 57.

From governor reporting H. B. 29

signed.

From governor's office, announcing

receipt of house resolution No. 7 and

S. C. R. No. 8.

Deferred Action

S. B. 58, deferred to March 18 on

motion of Brown.

S. B. 63, deferred to March 19.

SENATE NOTES

The act introduced by Senator Baker to fix a penalty for wilful operating has been printed and will be assigned to committee at once. Under this proposed act promoters misrepresenting their securities will be punished.

John Noble, the messenger of the senate, has been given a ticket to Hilo and return to go with the senators today. It was given him by a "citizen who appreciates his efficient service," so John will be the only one to join the solons. Noble for John!

HOUSE

Twenty-first Day

New Bills

H. B. 183—To prohibit the sale of

fish or other products from ponds

used in raising and maintaining ducks

or other fowls. Kalakia. Under

suspension of rules, made order of day

for second reading Tuesday.

Third Reading

H. B. 35—(Kaniho) To provide a

cemetery for Honolulu. Action deferred

to Thursday in absence of intro-

ducer.

H. B. 113—(Sheldon) Relating to

the payment of district court ex-

penses. Action deferred to Thurs-

day.

H. B. 119—(G. B. Cooke) Appropri-

ating water license revenues to the

board of agriculture. Action deferred

to Friday.

H. B. 136—(Sheldon) Amending the

revised laws relating to divorce.

Passed, 27 to 0.

S. B. 56—(Senate Judiciary) Relat-

ing to registration of lands. Passed,

28 to 0.

S. B. 57—(Senate Judiciary) Relat-

ing to conveyances of land. Passed,

28 to 0.

H. G. R. 4—Deferred to March 20.

This authorizes governor to appoint

a commission of five to investigate

and report on all public lands with

recommendations for amendments of

land laws. Irwin.

Governor's Message

No. 9—Vetoing H. B. 59 (Kalakia)

prohibiting the sale of fish from ponds

used in raising ducks and other fowls.

Veto sustained, 28 to 0.

Communications

From Secretary Mott-Smith stating

that the governor has signed S. B. 47

as Act 14, regulating the hours of

labor for children under 16 years of

age.

From Secretary Mott-Smith stating

that the governor has signed H. B.

29 (Sheldon) as Act 15, relating to ex-

emptions from jury duty.

Committee Reports

No. 157—Finance, on H. B. 125, to

reimburse Manuel A. Dias, former

school teacher, recommending it be

tabled. Report adopted.

-I ykindsofandadorn3d

HOUSE NOTES

Kuphea still insists the minimum wage for public laborers in Honolulu should be \$2 per day. Despite the fact that the house amended his original bill and passed it, setting the minimum throughout the territory at \$1.50 per day, Kuphea yesterday introduced another measure to set the minimum at \$2 for Honolulu alone. He thus hopes to evade the opposition of those members from the other islands who will not be affected by it.

Unadvised that the house was to convene an hour earlier than usual, Chaplain Akaka Akana was not present to deliver the invocation this morning. The sergeant-at-arms could not locate him by phone and Representative Paele, who is a minister without a church, came to the house's rescue by volunteering to offer the morning prayer.

Representatives yesterday introduced H. B. 180, proposing to separate the board of harbor commissioners from the department of public works, giving it complete control of all territorial wharves and making it self-supporting.

Representative P. J. Goodness was absent from the house this morning. It is understood he has gone to Maui and expects to meet his legislative brethren at Hilo tomorrow, participating in the jaunt over East Hawaii.

"I'm not going on the Hilo trip because I'm not a good sailor and they say the sea is going to be rough," said Representative da Silva this morning.

"I love my wife, but oh you junket!"—Kawewehi.



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Good Dress

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THE CLARION

SHORT SESSION

(Continued from Page 1.)

to the registration of conveyances of lands. Action on each of the three was taken without discussion and all were passed by the unanimous vote of the members present.

Fearing they would be unable to complete their work with sufficient time to spare in which to prepare for the Hilo trip, the representatives began this morning's session an hour earlier than usual. For the same reason several measures set for third reading were deferred until next week. Only one committee report-

ed. That was the finance, and it recommended the tabling of house bill No. 125, which proposed to reimburse Manuel A. Dias, a former school teacher of Hamakua, Hawaii. The report was adopted without comment.

Immediately after Kalakia introduced his new bill, making the changes advised in the governor's veto message, the house adjourned. Kawewehi wanted the next session, on Tuesday, to convene at 9:30 a. m. because he desired to call a meeting of the military committee at 9 o'clock, but the other members couldn't see it that way, adopting an adjournment motion that set the hour for next evening at 9 a. m., Tuesday.

MONDAY

Ye Liberty
THEATRE

March 17th

Stupendous Program of High Class Vaudeville

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PROCEEDS TO BE DEVOTED TO CHARITY

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Virginia Brissac, John Wray,
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OFFERING AN ENTIRELY NEW AND ORIGINAL COMEDY SKETCH.

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